

From: "Crothers, Cathy" <crothers@water.ca.gov>
To: <dirvin@swrcb.ca.gov>
Date: 12/17/04 5:50PM
Subject: DWR comments on SWRCB WQCP Workshops DCC and Salmon

Dear Ms. Irvin,

Please find attached DWR comments to the SWRCB on the WQCP and proposed amendments to objectives for Delta Cross Channel Gate and Salmon protection. In addition to the email, a signed comment letter is being mailed to you.

Thank you.

Cathy Crothers
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December 17, 2004

Debbie Irvin, Clerk to the Board
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State Water Resources Control Board
Cal/EPA Headquarters
1001 "I" Street
Sacramento, CA 95814

**Workshops Regarding Revisions to the 1995 Bay-Delta Water Quality Control Plan,
Delta Cross Channel Gate and Salmon Doubling Narrative**

Dear Ms. Irvin:

During the State Water Resources Control Board (Board) Workshops on the Delta Cross Channel Gate Operations and Salmon Doubling Narrative objectives described in the 1995 Water Quality Control Plan (WQCP), the Department of Water Resources recommended that no changes be made to these objectives. In addition to the comments provided to the Board on November 15 and 16, DWR provides the comments below in support of this recommendation.

1. Objective for Delta Cross Channel Gate Operations

The 1995 WQCP objective on the Delta Cross Channel Gate (DCC) provides for closure of the DCC during November 1 through January 31 up to 45 days as needed for the protection of fish. In addition, the gates are closed from February through May 20 and for a total of 14 days during May 21 through June 15 for fish protection. The CALFED operations groups, including the Water Operations Management Team, determine the days needed for fish protection and when the gates will be closed. The operations groups follow the Salmon Decision process when making decisions on when to close the DCC gates. This is a real time management process that was described during the Board November 15 Workshop. This process involves fish agencies, project operators, and interested stakeholders and has been successful in adapting to changing hydrology and fish migration patterns through the delta.

a. The Board should not amend the DCC Gate Closure Objective.

During the Workshop the Bay Institute recommended that the Board revise the objective to increase the number of days the DCC gate could be closed for fish protection from November 1 through January 31, from 45 days to 60 days. DWR does not believe that this change to the objective is desirable or warranted. Increasing the number of days would upset the balance established by the Board where DCC gate operations provide for reasonable protection for both water quality and fish. Information presented during the workshop did not demonstrate there is a need to change this balance.

DWR presented information on the Salmon Decision Process and the number of days of DCC gate closure (Exhibit DWR -1). In the years since 2000, during the period of November through January, the gates were requested to be closed a maximum of only 23 days explicitly for fish protection. The number of days requested for fish protection never exceeded the 45 days allowed under the WQCP objective. Increasing the number of days explicitly for fish does not appear necessary. In addition, the total number of days that the DCC gates may be closed during November through January include closure when flows are high. For example, during 2001 - 2002 November through January, the gates were closed a total of about 69 days. The fish agencies do not need to request gate closure during such periods because the closure occurs for other reasons, although closure may benefit fish. The Salmon Decision Process has been developed by fish management and water project agency staff to help protect endangered salmon and fulfill the requirements of the WQCP objective. Modification of the DCC objective does not appear necessary since the number of days needed for gate closure to explicitly benefit fish are sufficient.

b. Current Information Does Not Support Modifying Objective

Reclamation and DWR presented information about studies to evaluate and implement improved operational procedures for the DCC gate. Reclamation and DWR explained that the CALFED Bay Delta Program includes a working group that is investigating the costs and benefits associated with re-operating the DCC to address water quality and fisheries concerns. Although the studies had been delayed because of lack of funding and staffing problems, recent State funding under Proposition 13 will enable the studies to be completed. In addition, federal legislation may provide additional funding to enable Reclamation to implement any changes to the DCC operations that may be appropriate. Under the existing objective for the DCC and within the constraints of the current facilities, the project operators and fish agencies operate the gates to benefit fish based on recommendations of the CALFED operations groups, discussed above. Until the proposed studies regarding the gates are completed, changes on objectives for gate closure should not be made.

2. Salmon Protection Objective

The salmon narrative objective in the 1995 WQCP provides:

“Water quality conditions shall be maintained, together with other measures in the watershed, sufficient to achieve a doubling of natural production of Chinook salmon from the average production of 1967-1991, consistent with the provisions of state and federal law.”

None of the parties at the Workshop recommended changing the “doubling” objective of the narrative. CALFED and CVPIA programs are being implemented to help achieve the objective. However, the Bay Institute recommended that a quantitative measure based on “in-river escapement” be used to determine if doubling is being attained. NOAA representative, Jeff McLain, also recommended using “Viable Salmon Population (VSP) criteria” to measure attainment. Department of Interior, represented

by Dr. Russ Bellmer of U.S. Fish and Wildlife Service, recommended that the Board participate in a collaborative process to develop actions to attain doubling goals. A collaborative process could include state, federal and local agencies, including conservancies, wherein the parties work together to improve habitat through voluntary agreements and funding programs that implement lasting changes. The Bay Institute recommended that the Board take some action to improve salmonid conditions on tributaries upstream of the Delta. All of the above comments suggest that more discussion is needed on methods to attain and measure the salmon doubling objective. These actions would probably involve areas upstream of the Delta. If the Board determined it should consider upstream actions, this could be discussed during the later scheduled Board workshop on the WQCP Program of Implementation.

If you have any questions or comments on the above, please contact me at (916) 653-5613.

Cathy Crothers
Senior Staff Counsel

cc: U.S. Bureau of Reclamation, John Renning
The California Resources Agency, Secretary Mike Chrisman
Department of Fish and Game, Ryan Broddrick
California Bay Delta Authority, Dan Castleberry
U.S. Fish and Wildlife Service, David Harlow
National Marine Fisheries Service, Mike Aceituno